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San Mateo Liability - A6K6-00-NC

Kevin Shade to: James Turner

Cc: Barbara Aldridge, Jamie Bradsher, Stephen Capuyan

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Jim,

Enforcement provided a briefing for Wren yesterday. I will provide you with our briefing sheet which spells out Enforcement's strategy. A timeline is also in development, but sampling results would be available in the fall, with 104(e) and or GNL shortly thereafter.

There are two items which we would like your counsel.

One topic which came up was the amount of information will we want to have in possession before we issue notice to a PRP.

The state has already provided a database to us showing most recent and former owner/operators. This was compiled using their records - mine registry, mine reclamation program files, and some permits. We do intend on obtaining these records. Using enforcement funding, the state will conduct sampling to determine the extent of groundwater contamination in a sub-region of the Poison Canyon region. Using sampling results, groundwater flow, and possibly assistance from NEIC, we hope to show that any contamination likely came from a certain region. Ongoing technical discussions are determining what lab analyses should include. Provided that we get a result that shows a likely link between groundwater contamination and a mine or group of mines, would the results plus the records showing operator status suffice to issue GNL? Would you want production rates if we can compile that?

We are trying to determine what will be requested and how we would use GNL as a tool. Wren and Sing both said we would ask the PRP to possibly conduct further sampling and develop a plan to address threats, much like was done for the Delfasco Site (Mark could provide the legal background on that). There are differences between Delfasco and San Mateo that will need to be discussed with you to determine applicability.

Kevin

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